Supreme Court, U.S.
FILED
JAN 31 1996
CLERK

No. 95-1062

In The

Supreme Court of the United States

October Term, 1995

TOM BLAKENEY, MICHAEL BLOHM, ROBERT S. HUFFER, ERIN PHELPS, JAMES RUSKA, LINN MADSEN, KATHY HOWELL and MIKE SWEET,

Petitioners,

v.

LOMAS INFORMATION SYSTEMS, INC.,

Respondent.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Fifth Circuit

MEMORANDUM OPPOSING CERTIORARI

FRANKLIN EASTWOOD WRIGHT
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MEMORANDUM OPPOSING CERTIORARI

Respondent represents to the Court as follows:

1. The United States Court of Appeals for the Fifth Circuit, in matter No. 95-10319, reported at 65 F.3d 482 (1995), on October 4, 1995, affirmed the trial court's judgment dismissing Petitioners' claims against Respondent.

2. Lomas is the petitioner in bankruptcy in the United States Bankruptcy Court for the District of Delaware in case number 95-1237, filed on October 10, 1995. Lomas Financial Corporation, Lomas' parent, and other related entities, have also filed petitions in bankruptcy. The Bankruptcy Court has ordered the joint administration of the cases. By operation of 11 U.S.C. § 362, the filing of the petition in bankruptcy automatically stays the continuation of judicial proceedings against the debtor, Lomas.

3. Petitioners have on or about January 2, 1996, attempted to file in this Court a Petition for Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit, and have provided to Lomas copies of same.

4. Lomas urges that the action of petitioning this Honorable Court for Writ of Certiorari is in violation of the stay order of the Bankruptcy Court, and further Lomas believes it has no obligation to respond to the Petition, and indeed that any response would be contrary to the stay order of said Bankruptcy Court. Unless and until the Bankruptcy Court lifts the stay in this matter, Lomas does not intend to respond to the Petition for Writ of Certiorari, unless otherwise directed by this Court, and moves that the Petition be dismissed.

5. In the alternative, Lomas will apply to extend the time, pursuant to Supreme Court Rule 30.4, in which it might file its brief in opposition to the Petition for Writ of Certiorari.

WHEREFORE, PREMISES CONSIDERED, Lomas asks that the Petition for Writ of Certiorari be dismissed or, in the alternative, that Lomas be granted an extension of time in which to respond to said Petition, and for such other relief to which Lomas may show itself to be entitled.

Respectfully submitted,

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